

REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

In the latest Office Action, various claims were rejected under 35 U.S.C. §102 in view of U.S. Patent No. 5,474,095 to Allen. Various claims were also rejected under 35 U.S.C. §103 primarily in view of U.S. Patent No. 5,878,753 to Peterson. The Examiner's attention is directed to new claims 140-150. Claim 140 is directed to a paper wrapper that includes treated discrete areas on a paper web having a permeability of greater than about 60 Coresta. In addition, claim 140 requires that the treated discrete areas be made from a composition comprising a starch. Claims 141-143 further require that the composition contain a filler. Neither Peterson nor Allen disclose treated discrete areas made from a starch composition. Thus, Applicants submit that the newly added claims are in condition for allowance.

In the Office Action, claims 41-43, 52, 56-57, 59-64, 69-70, 81-85, 94-95, 99-100, 102-107, 110, 112, 114-116, 118-124 and 126-139 were rejected under 35 U.S.C. §102 as being anticipated by Allen. All of the above claims, however, require the presence of "treated discrete areas" on the paper web that comprise "**a film-forming composition**". In stark contrast, Allen does not disclose or suggest creating treated discrete areas on a paper web for a smoking article from a film-forming composition. Instead, Allen is directed to a "nonlaminated" paper that has crossdirectional regions of "increased basis weight." More particularly, Allen discloses crossdirectional regions of increased basis weight that are achieved by providing a paper with localized regions of either 1) increased thickness and/or 2) increased density by depositing on the paper web additional papermaking materials such as a second quantity of pulp or a filler material. In contrast to the currently pending claims, the pulp and/or filler materials applied to the paper web in Allen do not comprise a "**film-forming composition**". Further, there is no teaching in Allen to suggest that the papermaking materials used to form the localized regions are capable of forming a film.

In fact, Allen teaches away from producing treated discrete areas on a paper web from non-papermaking materials. For example, in column 1 at line 59, Allen describes various previous attempts to decrease the burn rate of wrapping materials for smoking

articles by using a burn retardant. In this regard, Allen states that such burn retardants can contribute undesirable flavors to the smoking article upon combustion. Thus, Allen is directed to increasing the basis weight of the paper using papermaking materials only in order to avoid having to use other chemicals that act as burn retardants. In this regard, Allen repeatedly teaches that the primary object of his invention is to produce a "nonlaminated" paper having either an increased thickness or increased density.

In view of the above, Applicants submit that the currently pending claims are not anticipated or rendered obvious by Allen.

In the Office Action, claims 41-43, 46-65, 69-85, 88-108, 110, 112-116, 118-124, and 126-139 were also rejected under 35 U.S.C. §103 in view of a 4-way combination of Peterson, Hampl '755, Hampl '860, and further in view of Allen.

As explained in previous responses, Peterson teaches away from a wrapping paper having a permeability greater than about 60 Coresta as required in all of the currently pending claims. In column 2 and in column 9, Peterson states that "if the change in permeability between the treated areas and untreated areas of the cigarette is relatively great, the smoker will discern a difference in taste and smoke delivery." In fact, when Peterson is viewed as a whole, one skilled in the art would readily understand that the essence in Peterson is to minimize permeability differences along the length of the wrapper. Thus, a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably considered using a paper web having a permeability of greater than 60 Coresta in the manner suggested in the Office Action.

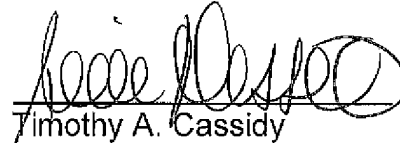
Further, one skilled in the art would not have combined Peterson with Allen as also suggested in the Office Action. As stated above, Allen teaches the formation of crossdirectional regions using pulp or a filler material and teaches away from using burn retardants. One skilled in the art having common sense at the time of the invention would not have reasonably considered combining Peterson with Allen.

In summary, Applicants submit that the currently pending application is in complete condition for allowance and favorable action is respectfully requested. Should any issues remain after consideration of this response, however, then Examiner Lazorcik is invited and encouraged to telephone the undersigned at his convenience in the hopes of resolving any such outstanding issues.

Serial No. 10/813,107
Amendment with RCE Dated January 3, 2011
Response to Final Office Action Dated August 31, 2010

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read "Timothy A. Cassidy", written over a horizontal line.

Timothy A. Cassidy

Reg. No. 38,024

P.O. Box 1449

Greenville, SC 29602

(864) 271-1592

(864) 233-7342

January 3, 2011

Date